

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WAYSIDE CHURCH, <i>et al.</i> ,)	
Plaintiffs,)	
)	No. 1:14-cv-1274
v.)	
)	Honorable Paul L. Maloney
VAN BUREN COUNTY, <i>et al.</i> ,)	
Defendants.)	
_____)	

FINAL FAIRNESS HEARING SCHEDULING ORDER

The Court will hold the final fairness hearing on the parties' joint motion to approve the proposed settlement on February 13, 2024, at 9:00 am. (ECF No. 505). To facilitate the hearing, the Court proposes the following time allocations in this sequence:

1. 90 minutes for class counsel.
2. 90 minutes for defense counsel.
3. 90 minutes for objectors, including those not represented by counsel. Objectors not represented by counsel will speak first.
4. Following the 90-minute slots, each group will have 30 minutes of rebuttal in the same order in which they began.
 - a. Each group must keep time.
 - b. If class counsel, defense counsel, and objectors' counsel agree there is a more efficient way to conduct the hearing, all parties may file a joint motion requesting a change to this order.

Given the number of objections to the settlement, the Court believes it would be helpful to the parties to highlight some objections for oral argument. The Court advises the parties to focus on the following objections:

1. “The Settlement was collusive.” (ECF No. 345-3 at PID 6303); (ECF No. 357-1 at PID 7290).
2. “Class counsel has engaged in unethical and unlawful behavior and cannot meet the Rule 23 requirement for adequacy of counsel and should be disqualified.” (ECF No. 345-3 at PID 6314).
3. “The Settlement does not comply with Rule 23’s requirements for approval.” (ECF No. 345-3 at PID 6329).
4. “Notice to the Class was inadequate.” (ECF No. 345-3 at PID 6346).
5. “The Settlement Class as defined includes lienholders (ECF 220-1, Settlement Agreement, at 3.1; ECF 220-3, Long Form Notice §5) creating a conflict among Class Members and between Class Members and Class Counsel who represent antagonistic interests.” (ECF No. 345-3 at PID 6370); (ECF No. 433 at PID 8517).
6. “PA 256 cannot be applied retroactively to eliminate Claimants’ vested property right to surplus proceeds established by *Rafaeli*.” (ECF No. 357-1 at PID 7279).

IT IS SO ORDERED.

Date: January 19, 2024

/s/ Paul L. Maloney
Paul L. Maloney
United States District Judge